IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25973 of 2005

Between:

M. Dhanunyaja

..... PETITIONER

AND

The Circle Inspector of Police,

Yemmiganur Police Station,

Kurnool District and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st and 2nd respondents in not taking any action by conducting investigation and booking F.I.R. against the 3rd and 4th respondents pursuant to the complaint given by the petitioner dated 26.11.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that he has made a report against respondents 3 and 4 before the 2nd respondent on 26.11.2005, but the 2nd respondent has not taken any action on the said report.

Any report is filed alleging that a cognizable offence has taken place, it is the statutory duty of the concerned police to register a case and investigate into. If the allegations in the report of the petitioner not made out any cognizable offence being committed by the complained persons, it is always open for the 2nd respondent to lodge the complaint and intimate the same to the petitioner. Without taking any action, the 2nd respondent cannot maintain the silence.

Having regard to the facts and circumstances of the case, the

2nd respondent is directed to take a decision based on the report/complaint filed by the petitioner dated 26.11.2005 as to whether any cognizable offence is said to have been committed by the complained persons or not and intimate the fate of the of said report to the petitioner, within a period of one week from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 06.12.2005

Dsr